

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, JUNE 29, 1999  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Golding at 10:53 a.m. Mayor Golding convened the Redevelopment Agency to meet simultaneously with the Council at 11:21 a.m. Mayor Golding recessed the regular meeting at 11:32 a.m. to convene the Housing Authority. The regular meeting was reconvened by Mayor Golding at 11:34 a.m. with Council Member Vargas not present. The regular meeting was recessed at 12:39 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Wear at 2:19 p.m. with Mayor Golding and Council Member Vargas not present. Mayor Golding adjourned the meeting at 3:35 p.m. into Closed Session in the 12th floor conference room to discuss existing and significant exposure to litigation and Real Property Negotiator in the matter of real property interests in the East Village area of downtown San Diego.

**ATTENDANCE DURING THE MEETING:**

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present

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- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-excused by R-292689 (No reason given)

Clerk-Abdelnour (lw/mc)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-not present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by James August regarding service refused to him by U.C.S.D. medical doctors. He stated he was assaulted by four doctors at the hospital and one of them also tried to run him down. Mr. August also stated he has been abused by his wife. He states he does not have a criminal record and is unable to get help from the police department.

Mayor Golding requested he remain and said a staff member from the Manager's office would assist him.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A020-058.)

COUNCIL COMMENT:

None.

ITEM-310: San Diego Housing Commission Day.

**MAYOR GOLDING'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1516) ADOPTED AS RESOLUTION R-291875

Proclaiming July 1, 1999 to be "San Diego Housing Commission Day" in recognition of the 20th anniversary of the San Diego Housing Commission, and commending the Commission for its outstanding leadership and invaluable contributions to our community.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A061-144.)

MOTION BY KEHOE TO ADOPT ITEM-310 AND CONTINUE ITEM-333 TO JULY 19, 1999, AS REQUESTED BY COUNCIL MEMBER VARGAS IN ORDER FOR HIM TO BE PRESENT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-330: Hillside Residence.

Matter of the appeal by Beatrice Hughes, Joanne Pearson, and Scott Peters, from the decision of the Planning Commission in approving the request for an application for a Coastal Development (CDP) and Hillside Review Permit (HRP) for the development of a 9,840 gross square foot, three story single family residence on a vacant 3.8 acre property.

(CDP/HRP-96-7549. La Jolla Community Plan Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution in Subitem A, and adopt the resolution in Subitem B to deny the appeal and grant the permits:

Subitem-A: (R-2000-345) ADOPTED AS RESOLUTION R-291885, AS IT  
APPLIES ONLY TO THE CONSTRUCTION OF AN  
INTERIM ACCESS ROAD FOR THE PROJECT

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-96-7549 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that the declaration has been reviewed and considered by the Council and adopting appropriate findings of mitigation, feasibility or project alternatives and Statement of Overriding Considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-2000-346) ADOPTED AS RESOLUTION R-291886, LIMITED TO  
CONSTRUCTION OF INTERIM ACCESS ROAD.  
CONTINUED ACTION ON APPEAL AS IT RELATES  
TO BALANCE OF PROJECT UNTIL STAFF RETURNS  
WITH FULL GEOTECHNICAL ANALYSIS AND  
RECOMMENDATION

Adoption of a Resolution granting or denying the appeal and granting or denying the permit with appropriate findings to support Council action.

**OTHER RECOMMENDATIONS:**

Planning Commission voted 6-0 to deny the appeal and approve the project with the inclusion of two additional conditions: that soils be tested before any road is built to ensure adequacy for a retaining structure; and a hold-harmless clause for the City be included; was opposition.

Ayes: Anderson, Butler, Skorepa, Stryker, Watson, White  
Not present: Steele

The La Jolla Community Planning Association has recommended approval of the project.

**SUPPORTING INFORMATION:**

The project site is located at 7674 Hillside Drive in the R-1-40,000 (main portion of lot), R-1-8,000 (narrow strip portion of flag shaped lot), and Hillside Review Overlay Zone, within the La Jolla Community Plan area. The project site is legally described as Lot 4, La Jolla Hillside, Map-8782.

This project proposes a three story, 9,840 square foot single family residence with an attached garage and patio/pool all designed to conform to the R-1-40,000 Zone development regulations (Planning Commission Report, Attachment 2). The proposed structure utilizes an embedded design which fits into the natural topography and minimizes the amount of grading outside the building footprint consistent with the recommended design methods from the Hillside Review Design Guidelines. Access to the site would be provided by a 16 foot wide shared driveway, in conformance with the previously approved HRP-126. The proposed driveway has been reviewed and approved by the City's Fire and Engineering Sections of the Planning and Development Review Department subject to permit conditions. A landscape and alternative brush management plan has been incorporated into the project design which restricts the use of non-native plant species, avoids impacts to the adjacent open space park, and restricts drainage. All of these measures are aimed at protecting the surrounding environmentally sensitive areas. The landscape and alternative brush management program conform to the requirements under the City's Landscape Ordinance Alternative compliance provisions.

The home, brush management zone, and driveway design propose an encroachment of 20% into the mapped Hillside Review and sensitive slope area. The project site contains steep slopes or sensitive slope area over 98% of the property, and the Hillside Review Ordinance would allow for an encroachment of up to 20%. As one of the mitigation measures, the applicant has agreed to either dedicate in fee title or place in a conservation easement the remaining undeveloped portion of the lot.

On February 17, 1999, the Hearing Officer approved the proposed project at a public hearing, with conditions and findings to support the project.

**NOTE:** On June 8, 1999 Council voted 9-0 to hear the appeal.

**FILE LOCATION:** Subitems A & B: PERM-96-7549 (65)

**COUNCIL ACTION:** (Tape location: A593-C283; E051-147.)

Hearing began at 11:35 a.m. and recessed at 12:39 p.m.

Testimony in opposition by Atti Hughes, Andy Rindell, and Joanne Pearson.

Testimony in favor by Howard Oxley, Michael Chapin, and Mahmood Mahdavi.

Motion by Mathis to approve the Manager's recommendation to adopt Subitem A to include the hold harmless provision imposed by the Planning Commission; adopt the resolution denying the appeal and granting the permit, noting that necessary findings have been made and subject to all conditions including the condition imposed by the Planning Commission that geotechnical work be a condition for the issuance of the building permit; and the additional condition that initial grading for access to the site for soils testing shall be the minimum necessary and shall be closely supervised by the City. If the results of the more detailed geotechnical investigation prior to issuing the permit fails to satisfy the City Engineer, and the plan must be altered to change the access or abandon the project, the cleared and graded portion shall be revegetated and restored. Payment for the revegetation and restoration shall be guaranteed before grading by the applicant with a bond or comparable instrument satisfactory to the City Engineer. Second by Wear.

Substitute motion by Kehoe to continue the item until the geotechnical analysis is complete and then Council will considerate it at that time. Second by Stevens. Failed. Yeas-346; Nays-127M; 58-not present.

Motion by Mathis failed by the following vote: Yeas-127M; Nays-346; 58-not present.

Hearing resumed at 3:01 p.m. and halted at 3:08 p.m.

Motion by Mathis to adopt Subitem A, approving the City Manager's recommendation and to include the hold harmless provision imposed by the Planning Commission; adopt the resolution denying the appeal and granting the permit, noting that necessary findings have been made and subject to all conditions including the condition imposed by the Planning Commission that geotechnical work be a condition for the issuance of the building permit; and the additional condition that initial grading for access to the site for soils testing shall be the minimum necessary and shall be closely supervised by the City.



If the results of the more detailed geotechnical investigation prior to issuing the permit fails to satisfy the City Engineer, and the plan must be altered to change the access or abandon the project, the cleared and graded portion shall be revegetated and restored. Payment for the revegetation and restoration shall be guaranteed before grading by the applicant with a bond or comparable instrument satisfactory to the City Engineer. Second by Wear.

Failed. Yeas-127M. Nays-3456. Not present-8.

Motion by Kehoe for this item to come back to Council. No second.

MOTION BY MATHIS TO ADOPT THE RESOLUTIONS TO: 1) CERTIFY THE MITIGATED NEGATIVE DECLARATION AS IT APPLIES TO THE CONSTRUCTION OF AN INTERIM ACCESS ROAD FOR THE PROJECT; AND 2) DENY THE APPEAL AND APPROVE THE PROJECT LIMITED TO CONSTRUCTION OF THE INTERIM ACCESS ROAD AND TO CONDUCT THE ADDITIONAL GEOTECHNICAL ANALYSIS NECESSARY TO DETERMINE THE FULL EXTENT OF THE GEOTECHNICAL CONDITIONS ON THE SITE. CONTINUE ACTION ON THE APPEAL AS IT RELATES TO THE BALANCE OF THE PROJECT UNTIL STAFF RETURNS WITH A FULL GEOTECHNICAL ANALYSIS AND RECOMMENDATION. INCLUDE THE HOLD HARMLESS PROVISION IMPOSED BY THE PLANNING COMMISSION. INITIAL GRADING FOR ACCESS TO THE SITE FOR SOIL TESTING SHALL BE THE MINIMUM NECESSARY AND SHALL BE CLOSELY SUPERVISED BY THE CITY. IF THE RESULTS OF THE MORE DETAILED GEOTECHNICAL INVESTIGATION PRIOR TO ISSUING THE PERMIT FAILS TO SATISFY THE CITY ENGINEER, AND THE PLAN MUST BE ALTERED TO CHANGE THE ACCESS OR ABANDON THE PROJECT, THE CLEARED AND GRADED PORTION SHALL BE REVEGETATED AND RESTORED. PAYMENT FOR THE REVEGETATION AND RESTORATION SHALL BE GUARANTEED BEFORE GRADING BY THE APPLICANT WITH A BOND OR COMPARABLE INSTRUMENT SATISFACTORY TO THE CITY ENGINEER. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-331: Business Improvement District Budgets for Fiscal Year 2000.

(Mid-City, Centre City, Uptown, Greater North Park, Old San Diego, Ocean Beach, La Jolla, Linda Vista, Clairemont Mesa, Southeast San Diego, College Area, Mission Beach, Pacific Beach and San Ysidro Community Areas. Districts 1, 2, 3, 4, 6, 7, and 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following Resolution:

(R-99-1227 REV.1) ADOPTED AS AMENDED AS RESOLUTION R-291876;  
NOTE: THE MORENA BID BUDGET WAS  
CONTINUED TO JULY 20, 1999, FOR STAFF TO  
RETURN WITH A RESTRUCTURED ASSESSMENT  
PLAN, REVISED BUDGET AND A SCALED DOWN  
BUSINESS PLAN

Resolution confirming the budget report for each Business Improvement District for July 1, 1999 through June 30, 2000 and levying an annual assessment within previously established Business Improvement Districts for July 1, 1999 through June 30, 2000 (FY 2000).

**CITY MANAGER SUPPORTING INFORMATION:**

Business Improvement Districts (BIDS) are authorized by State law to assess benefitted businesses for the cost for certain activities. These activities are generally promotional in nature. Once a BID is established the City collects the assessments and disburses them to an appropriate entity representing the district pursuant to an annual operating agreement. There are currently active districts in the City of San Diego: Adams Avenue, City Heights, College Area, Diamond, Downtown, El Cajon Boulevard Central, El Cajon Boulevard Gateway, Gaslamp, Hillcrest, La Jolla, Little Italy, Mission Hills, Morena, North Park, Ocean Beach, Old Town, Pacific Beach and San Ysidro.

State law requires that the City Council annually adopt a budget for each BID and hold a public hearing to levy appropriate assessments. The actions being taken today are: to confirm the budget reports for each BID and levy the annual assessment for fiscal year 2000.

**FILE LOCATION:** STRT-L-1, L-2, L-3, L-4, L-5, L-6, L-7, L-8, L-9, L-11,  
L-12, L-13, L-14, L-15, L-16, L-17, L-19, L-20 (32)

**COUNCIL ACTION:** (Tape location: A570-585; D009-E050.)

Hearing began at 11:33 a.m. and recessed at 11:34 a.m.

MOTION BY WEAR TO APPROVE THE MANAGER'S RECOMMENDATION WITH THE EXCEPTION OF THE MORENA BUSINESS IMPROVEMENT DISTRICT. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

Hearing resumed at 2:20 p.m. and halted at 3:00 p.m.

Testimony in favor by Michael Pallamary, Doris Mera, George Coles, Carol Charette, Patti Higgins, Jay Turner and Warren Simon.

Testimony in opposition by Milton Bush, Mark Blase, Gene Schwartz and Dolores Neal.

MOTION BY STALLINGS TO CONTINUE THE MORENA BID BUDGET TO JULY 20, 1999, TO ALLOW CITY STAFF TO WORK WITH A COMMITTEE FORMED OF REPRESENTATIVES OF THE MORENA BOARD OF DIRECTORS AND MR. BUSH, A REPRESENTATIVE OF THE DISESTABLISHMENT GROUP, TO EVALUATE THE ASSESSMENTS AND POSSIBLY REDUCE THE ASSESSMENTS ON BUSINESSES THAT WILL RECEIVE THE LEAST BENEFIT. THE COMMITTEE IS TO RETURN IN 30 DAYS WITH A RESTRUCTURED ASSESSMENT PLAN, A REVISED BUDGET AND A SCALED DOWN BUSINESS PLAN THAT IS REALISTIC FOR THE FIRST YEAR. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-ineligible.

ITEM-332: Holtze Executive Village.

Matter of approval, conditional approval, modification or denial of a Community Plan Amendment, Rezone, and Planned Commercial Development to develop a four story, 296 room executive extended stay hotel; a clubhouse and pool; approximately 5,000 square feet of commercial retail support services; landscaping; off-street surface and underground parking facilities; a motor court entry, two way driveway with a raised landscaped median; retaining walls; landscaping; and minor improvements in the public right-of-way on a 3.7 acre site located at the southeast corner of Vista Sorrento Parkway and Ocean Bluff Avenue in the Commercial Visitor (proposed) zone of the Sorrento Hills Community Planning area.

(CPA/RZ/PCD-98-0768. Sorrento Hills Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions in Subitems A and C; adopt the resolution in Subitem D to grant the permit; and introduce the ordinance in Subitem B.

Subitem-A: (R-99-1514) ADOPTED AS RESOLUTION R-291877

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR-98-0768, dated November 6, 1998, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration reflects the independent judgement of the City of San Diego as Lead Agency; and adopting the Mitigation, Monitoring and Reporting Program pursuant to California Public Resources Code Section 21081.

Subitem-B: (O-99-135) INTRODUCED, TO BE ADOPTED JULY 19, 1999

Introduction of an Ordinance approving the rezoning of a 3.7 acre site from the M-1A (Industrial) Zone into the CV (Commercial Visitor) Zone for the subject property.

Subitem-C: (R-99-1515) ADOPTED AS RESOLUTION R-291878

Adoption of a Resolution amending the Sorrento Hills Community Plan and the Progress Guide and General Plan.

Subitem-D: (R-2000-141) GRANTED PERMIT, ADOPTED AS RESOLUTION  
R-291879

Adoption of a Resolution granting or denying Planned Commercial Development Permit, PCD-98-0768, with appropriate findings to support Council action.

**OTHER RECOMMENDATIONS:**

Planning Commission voted 6 - 0 to approve; no opposition.

Ayes: Steele, Anderson, Butler, Skorepa, Stryker, White

The Sorrento Hills Community Planning Board has recommended approval of the project with conditions.

**CITY MANAGER SUPPORTING INFORMATION:**

Holtze Executive Village proposes a Community Plan Amendment/Rezone/Planned Commercial Development (CPA/RZ/PCD/ No. 98-0768), to allow the rezone from the M-1A zone to the CV zone, permitting the development of a four story, 296-room, extended stay hotel and approximately 5,000 square feet of retail uses on a previously graded 3.69-acre vacant parcel. The proposal also includes an amendment to the Sorrento Hills Community Plan expanding the description of Support Commercial uses to include hotel uses. The proposed development includes new landscaping, hardscaping and on-site parking garages. The site is located at the

southeast corner of Vista Sorrento Parkway and Ocean Bluff Avenue in the Commercial Visitor (proposed) zone of the Sorrento Hills Community Plan area.

The Sorrento Hills Community Board voted 8:0:1, on September 15, 1998, to recommend approval of the project with the following two conditions:

1. Parking be provided to the satisfaction of the City Engineer, and;
2. Retail commercial uses proposed as part of the project remain accessible to the general public, as well as hotel guests.

These recommended conditions are included in the draft permit as conditions 22 and 39.

FILE LOCATION: Subitems A, B, C & D: LAND-Sorrento Hills (10)

COUNCIL ACTION: (Tape location: A145-166.)

Hearing began at 11:03 a.m. and halted at 11:07 a.m.

CONSENT MOTION BY McCARTY TO ADOPT THE RESOLUTIONS, GRANT THE PERMIT, AND INTRODUCE THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-333: Facility Franchise Agreement with San Diego Landfill Systems, Inc.

(See City Manager Report CMR-99-132. East Elliott Community Area. District-7.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-99-136) CONTINUED TO JULY 19, 1999

Awarding a nonexclusive solid waste facility franchise to San Diego Landfill Systems, Inc., and authorizing the City Manager to execute a franchise facility agreement with San Diego Landfill Systems, Inc. for the Sycamore Canyon Landfill.

**NOTE:** 6 votes required pursuant to Section 103 of the City Charter.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A135-144.)

MOTION BY KEHOE TO ADOPT ITEM-310 AND CONTINUE ITEM-333 TO JULY 19, 1999, AS REQUESTED BY COUNCIL MEMBER VARGAS IN ORDER FOR HIM TO BE PRESENT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-334: Transfer of FY 1999 Resurfacing Funds for Design of School Signals.

(Districts 3, 4, 6, 7, and 8)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1392) ADOPTED AS RESOLUTION R-291880

Authorizing the City Auditor and Comptroller to reprogram \$260,000 of Gas Tax Funds from the Street Division's Operating Fund 10440 to Construct Top 5-6 Prioritized Signals, CIP-68-010.0, Fund 30219;

Authorizing the City Manager to expedite the design of thirteen traffic signals at schools.

**CITY MANAGER SUPPORTING INFORMATION:**

On March 23, 1999, Council approved Federal Surface Transportation Program (STP) funds for 32 proposed traffic signals of which 13 are near schools. On March 30, 1999, the Manager agreed to the Mayor's request that we start design now on the 13 school zone locations by using funds from the Street Division's Operating Fund Resurfacing Account. The locations are:

<u>Location</u>	<u>Points</u>	<u>Council District</u>	<u>Community Planning Area</u>
1. Cedar Glen Way and Picador Boulevard	40	8	Otay Mesa-Nestor
2. Valencia Parkway and Westmead Street	40	4	Valencia Park
3. Glenroy Street and Princess View Drive	34	7	Navajo
4. 24th Street and Market Street	31	8	Sherman Heights
5. Park Boulevard and Upas Street	31	3	Greater North Park
6. Fairmount Avenue and Thorn Street	30	3	City Heights
7. Mission Village Drive and Fermi Avenue	30	6	Serra Mesa

8. University Avenue and Wilson Avenue	25	3	City Heights
9. Coronado Avenue (SB) and Green Bay Street	18	8	Otay Mesa-Nestor
10. Hollister Street and Iris Avenue	14	8	Otay Mesa-Nestor
11. Howard Avenue and Iris Avenue	14	8	Otay Mesa-Nestor
12. Avenida de la Madrid and Smythe Avenue	13	8	San Ysidro
13. Grand Avenue and Lee Street	10	6	Pacific Beach

The Transportation Department staff has given preliminary engineering drawings for each location to staff members of the Engineering and Capital Projects Department, who have already begun designing these signals on an accelerated schedule. Construction is scheduled to begin in October or November, and should take about two months. After these school signals are designed, the remaining signals will be designed and constructed. The reduction in resurfacing funding will result in 2.5 miles of street currently planned for resurfacing to be deferred to future years. The funding for resurfacing is proposed to be replaced by STP funds originally targeted for the traffic signal projects. It is expected that these funds will be available for resurfacing during FY 2001.

Aud. Cert. 9901303.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A166-336.)

MOTION BY KEHOE TO ADOPT THE RESOLUTION WITH DIRECTION THAT TRAFFIC ENGINEERING BE PART OF THE SCHOOL PLANNING PROCESS ON THE CITY'S SIDE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-335: Agreement with Sverdrup Civil, Inc. for Design and Construction Management Services for the Ballpark Infrastructure Project and Centre City East Redevelopment Area Water/Sewer Enhancements.

(Centre City Community Area. Districts-2 and 8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1512) RETURNED TO THE CITY MANAGER

Authorizing the City Auditor and Comptroller to accept an amount not to exceed \$1.4 million from the Redevelopment Agency to appropriate and expend an amount not to exceed \$1.4 million in the Ballpark Project Interim Financing Fund No. 10290 for site clearance services within Funding Phase 1 of the Agreement;

Authorizing the City Manager to execute a phase funded agreement with Sverdrup Civil, Inc., for design and construction management services related to the Project, in an amount not to exceed \$41,513,000, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the necessary funds are available in the City Treasury, with Funding Phase 1 not to exceed \$6,390,000 and Funding Phase 2, commencing upon permanent financing availability, not to exceed \$35,123,000;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$5.2 million from Ballpark Interim Financing Fund 10290, in an amount not to exceed \$431,000 from Fund 41506; and an amount not to exceed \$759,000 from Fund 41500 for Funding Phase 1 of the Agreement;

Authorizing the expenditure of an amount not to exceed \$35,123,000 for Funding Phase 2 of the Agreement, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the necessary funds are available in the City Treasury;

Authorizing the City Auditor and Comptroller to accept an amount not to exceed \$2.0 million from the Redevelopment Agency to appropriate and expend an amount not to exceed \$2.0 million in the Ballpark Project Interim Financing Fund No. 10290, for an amendment to the agreement for environmental remediation provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the necessary funds are available in the City Treasury;

If deemed financially prudent and in the interest of schedule requirements for the Project, the City Manager is authorized to enter into an amendment to the Agreement with Sverdrup Civil, Inc. in an amount not to exceed \$2.0 million, on behalf of the Agency provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the necessary funds are available in the City Treasury.

**CITY MANAGER SUPPORTING INFORMATION:**

In accordance with the MOU between the City, CCDC and the Padres, approved by the voters on November 3, 1998, the City is responsible for the design and construction of infrastructure components (Project) of the ballpark redevelopment project. Council approved interim financing by Ordinance No. O-18624 (2/1/99), \$3,500,000 and Resolution R-291450 (3/31/99),



\$11,500,000 for a total of \$15,000,000, which included funds for this Project. It is anticipated that permanent financing will be obtained on or about January 31, 2000. To accomplish the City's responsibilities regarding the infrastructure components, the City conducted a Request for Qualifications/Request for Proposals process to select a Design/Construction Management (DCM) team. Sverdrup Civil, Inc. was selected as the DCM for this Project. The contract will be phase funded with Phase 1 being financed with interim financing funds and Phase 2 with the permanent financing. The Phase 1 scope of work includes demolition activities, construction of downtown sewer/water enhancements, providing 30 percent design documents, preparation of design/build bid documents for the parking structure, preparation of final GMP, preparation of bidding plan and project procedures. Phase 2 scope includes additional demolition, construction management, final design and construction documents, cost estimates, value engineering and equality control. In accordance with City Charter Section 94 requirements, contracts are awarded to the lowest reliable and responsible bidder. Consistent with CIP funding requirements, the goal is to not specify prevailing wage requirements for this project. However, due to current market conditions in the construction industry, it may be necessary in order to obtain responsive bidders to pay prevailing wages on certain components of this project. Therefore, this agreement with Sverdrup Civil, Inc. allows the parties to make certain components of the project prevailing wage. For additional information, please refer to City Manager's Report Nos. CMR-99-57 and CMR-99-64. Sverdrup has committed to the following subconsultant goals: MBE 36 percent and WBE 5 percent.

Aud. Cert. 9901322.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: A135-144.)

MOTION BY COMMON CONSENT TO RETURN THIS ITEM TO THE CITY MANAGER AT HIS REQUEST FOR FURTHER ANALYSIS. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-336: Repayment to the City from the Redevelopment Agency for One-Year Extension of the Homeless Outreach Team and the Downtown Ambassadors Program.

(See memorandum from the Centre City Development Corporation dated 6/16/99. Horton Plaza and Centre City Redevelopment Projects. Districts-2, 3 and 8.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1476 Cor.Copy) ADOPTED AS RESOLUTION R-291881

Accepting the repayment in the amount of \$230,000 to the City of San Diego from the Redevelopment Agency to fund a one year extension of the Psychiatric Emergency Response Team (PERT) Clinician to serve as part of the Homeless Outreach Team (HOT) and a one year extension of the Downtown Ambassadors Program (Alpha Project).

**NOTE:** See the Redevelopment Agency Agenda of 6/29/99 for a companion item.

**FILE LOCATION:** MEET

**COUNCIL ACTION:** (Tape location: A338-540.)

MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-337: Two actions related to Adopting the Southeastern Economic Development Corporation's Annual Administrative Budget for Fiscal Year 1999-2000.

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S  
RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-99-1517) ADOPTED AS RESOLUTION R-291882

Approving the administrative budget for FY 1999-2000;

Authorizing the City Auditor and Comptroller to establish the necessary accounts, appropriate and allot all monies available in the project fund up to the amounts budgeted, and record the expenditure of funds and the recovery of all accrued costs subject to the amount of revenues available in each project fund;

Authorizing the SEDC's President, or designee, to request the City Auditor and Comptroller to make budgetary transfers between the line items in accordance with Section 1.06 of the Operating Agreement between the City and SEDC.

Subitem-B: (R-99-1518) ADOPTED AS RESOLUTION R-291883

Accepting the transfer of \$609,533 from the Mount Hope Redevelopment Project and \$502,042 from the Central Imperial Redevelopment Project, of monies previously loaned to the Redevelopment Agency of the City of San Diego;

Authorizing the transfer of \$1,111,575 to the Redevelopment Agency as an interest bearing loan to be used in the proposed Fiscal Year 1999-2000 Southeastern Economic Development Corporation Project Budget for the Central Imperial and Southcrest Redevelopment Project areas;

Directing the City Auditor and Comptroller to record the \$1,111,575 loan as an interest bearing loan to the Redevelopment Agency to be repaid as soon as is practicable from tax increments or other appropriate and available revenues.

**SUPPORTING INFORMATION:**

SEDC FY 1999/2000 Reloans

<u>USES</u>	<u>FUND NO.</u>	<u>DEPARTMENT</u>	<u>AMOUNT</u>
Southcrest (Res. Phase II)	983302	97173	\$ 451,375
Southcrest (National City Mitigation)	98331	97178x	\$ 240,000
Central Imperial			
Imperial Creek	98780	98780	\$ 275,207
Central-General	98770	98761	<u>\$ 144,993</u>
Total Reloan			<u>\$1,111,575</u>

The funding sources for the CDBG loan repayment of \$1,111,575 are derived from disposition proceeds, tax allocation bond proceeds, interest income and tax increment generated in Central Imperial and Mount Hope Redevelopment project areas. The proposed loan of \$1,111,575 would partially reimburse outstanding CDBG loans to the Central Imperial and Mount Hope Redevelopment Project Areas. The Agency will borrow back the total amount of \$1,111,575 to augment the Central Imperial and Southcrest Redevelopment Project Areas. It should be noted that whenever SEDC received CDBG funds from the City of San Diego's CDBG Annual Allocation, the funding is recorded as debt by the Agency. Repayment of CDBG loans is a financing mechanism allowed by the Redevelopment law. The abovementioned funds will be used in the FY 1999-2000 Program Budget (See Attachment No. 1) for project implementation costs, planning and administration, redevelopment, legal services, environmental, financing and rehabilitation.

**NOTE:** See the Redevelopment Agency Agenda of 6/29/99 for a companion item.

**FILE LOCATION:** Subitems A & B: MEET

**COUNCIL ACTION:** (Tape location: A145-166.)

CONSENT MOTION BY McCARTY TO ADOPT THE RESOLUTIONS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

ITEM-S500: A Resolution Creating a System-Paid Purchase of Service Credit for the Retirement Administrator as Approved by the Board on July 17, 1998.

(Continued from the meeting of June 21, 1999, Item 202, at the City Manager's request, for further review.)

**RETIREMENT SYSTEM'S RECOMMENDATION:**

Adopt the following resolution:

(R-99-1233) FILED

Establishing a special benefit, in the form of an employer-paid purchase of service credit, for Lawrence B. Grissom. Mr. Grissom shall receive, at employer expense, one additional year of service credit for each of the next five years in which he remains in service as the Retirement Administrator for SDCERS, payable one year at a time on June 30 of each such year.

**SUPPORTING INFORMATION:**

Lawrence B. Grissom has served with distinction as Retirement Administrator for SDCERS since July 6, 1987. In the Spring of 1998, the Retirement Board, as part of its ongoing strategic planning process, reviewed and evaluated, with the assistance of outside consultants, his job performance. During this process, several Trustees indicated they were aware of other retirement systems expressing an interest in the Administrator for their systems. Other Trustees asked how the Administrator's salary has been adjusted historically and whether his salary compared favorably to that of administrators for other comparable systems. In response, the Board's President appointed an Executive Committee consisting of himself and two other Trustees to look at the Administrator's salary and report back to the Board with a recommendation. With respect to historic salary adjustments, the Executive Committee learned that although the

Administrator had received the negotiated increases available to all General Members, he had not received a merit increase in several years. In addition and with the help of the Board's strategic planning consultants, the Executive Committee conducted an informal compensation survey of administrators for comparable retirement systems. As a result of the informal survey conducted, the absence of any recent merit increases and the knowledge the Administrator's services had been sought elsewhere, the Executive Committee formulated a unique two-part recommendation designed to bring the Administrator's base pay up to a level more in line with that of his peers as well as encourage his continued performance as the System's Administrator. To bring the Administrator's salary more in line with that of his peers, the Committee recommended a 3 percent increase to his base pay. To encourage retention, the Executive Committee recommended a System-paid purchase of service credit arrangement. The purchase of service credit

arrangement involves the purchase of one year of service credit, one year at a time, at System expense, up to a maximum of five years, for each additional year the Administrator works as the System's Administrator subject to the condition he be on the System's active payroll on June 30th of the fiscal year for which he is to receive the service credit. The cost of this benefit is \$17,605.22 per year, totally \$88,026.12 (adjusted by future salary increases, if any) if five years are granted. On July 17, 1998, the Board adopted the Executive Committee's salary increase and fringe benefit recommendations. Effective July, 1998, the Administrator's base salary was increased by 3 percent. The purchase of the first year of service credit has not yet occurred due to concerns raised by the Auditor and City Attorney with respect to the characterization and mechanics of the purchase of service credit arrangement. If the purchase of service credit is "compensation," the City Auditor and Attorney contend the range for the administrator's position in the salary ordinance can not accommodate it. If, however, the purchase of service credit is a "fringe benefit," it still can not be implemented unless the City Council adopts a resolution to create it. Although the Retirement Board's General and Fiduciary Counsel both disagree with the City Attorney's position, the General Counsel recommended the Board note its objection for the record as to the applicability of the salary ordinance, City Charter section 70 or the need to use a Council Resolution to purchase the service credit and process a Request to Council to create the "fringe benefit" as required by the City Attorney. On April 16, 1999, the Retirement Board adopted the Board Resolution documenting the compensation package for the administrator approved by the Retirement Board on July 17, 1998.

Enerson/LC

Aud. Cert. 9901239.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E148-563.)

MOTION BY MATHIS TO NOT APPROVE THE RESOLUTION. Second by Stevens.  
Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea,  
Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

CLOSED SESSION ACTION:

ITEM-CS-1: (R-99-1570 Corrected) ADOPTED AS RESOLUTION R-291884

A Resolution adopted by the City Council in Closed Session on July 29, 1999:

Authorizing the City Manager to pay the sum of \$19,000.00 in the settlement of each and every claim against The City of San Diego, its agents and employees resulting from the personal injuries to Danielle A. Kaplan, which occurred on October 15, 1997; authorizing the City Auditor and Comptroller to issue one check to Danielle A. Kaplan and Lawrence H. Greenberg, her attorney of record, in full settlement of all claims.

Aud. Cert. 9901350

FILE LOCATION: MEET

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 3:35 p.m. in honor of the memory of Eugene Brucker, at her request.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E564-585.)